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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,968	02/24/2000	David R. Hembree	MI22-869	5950

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EXAMINER

NGUYEN, VINH P

ART UNIT PAPER NUMBER

2829

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/512,968

Applicant(s)

HEMBREE, DAVID R.

Examiner

VINH P NGUYEN

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 64-102 is/are pending in the application.
- 4a) Of the above claim(s) 66, 76, 83, 87, 93-96, 99 and 100 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 81, 82, 84-86, 89 and 97 is/are allowed.
- 6) ☒ Claim(s) 64, 65, 67-75, 77, 79 and 91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 24.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Applicant's election of species of figure 3 in Paper No. 7 on 11/06/2000 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. It appears that "contact plate (90)" as recited in claims 66, 76, 83, 87, 93-96 and 99-100 does not have support by figures 2-3, therefore these claims are withdrawn from consideration.
3. Claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 77, "the workpiece holder" has not been recited previously, therefore this term is indefinite. In claim 101, "the wafer" on lines 4-5 has not been recited previously, therefore this term is indefinite.

The dependent claims not specifically address share the same indefiniteness as they depend from rejected base claims.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 64-65,67-75,77,79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (pat # 5,475,317).

As to claims 64-65,67-71,75,77,79, Smith discloses a singulated bare die tester having a workpiece holder or a chuck (4,12) for receiving an electronic workpiece (2) and for supporting an electronic device (2),an electrical coupling (12a) for electrically coupling the electrical coupling (2a) of the electronic device workpiece (2) and communicated signals between the workpiece and the workpiece holder (12) . It is noted that the workpiece (2) of Smith is a singulated die and this die is a part of the wafer, therefore, it would have been obvious for one of ordinary skill in the art to use the device of Smith to test the wafer since both of these devices has the same characteristics. As to claim 65, Smith discloses a burn-in board configured to receive signal. It would have been well-known that this board is equivalent to the data gathering device since it serve the same purpose as the one in the instant application As to claims 72-74 and 91, it would have been well known for one of ordinary skill in the art to provide a vacuum chamber in the chuck so that the vacuum holds down the wafer under test. Furthermore, vacuum chuck is also well known in the art.

It is also noted that the preamble is not given the effect of a limitation unless it breathes life and meaning into the claim. In order to limit the claim, the preamble must be "essential to point out the invention defined by the claim." Kropa v. Robie , 88 USPQ 478, 481 (CCPA 1951) (discussed below). In claims directed to articles and apparatus, any phraseology in the preamble

that limits the structure of that article or apparatus must be given weight. In re Stencel, 4 USPQ2d 1071 (Fed. Cir. 1987) (discussed below). On the other hand, a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) (process claims, discussed below); Kropa v. Robie, 88 USPQ 478, 481 (CCPA 1951) (claims directed to apparatus, products, chemical structure, etc., as discussed below).

6. Claims 78, 88, 90, 92, 98 and 101-102 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It appears that the specification does not have support for the limitations of "wherein the wafer holder is adapted to expose the wafer to a processing environment to process the wafer" as recited in claims 78, "wherein the intermediate member is configured to expose the wafer to a processing environment to process the wafer" as recited in claims 88 and 90, "wherein the workpiece holder is configured to expose the electronic workpiece to a processing environment

to process the electronic workpiece" as recited in claim 92, "wherein the intermediate member is configured to expose the electronic workpiece to a processing environment to process the electronic workpiece" as recited in claim 98 and "an intermediate member including a surface having an electrical coupling and adapted to expose the electronic workpiece to a processing environment to process the wafer" as recited in claim 101

The dependent claims not specifically address share the same indefiniteness as they depend from rejected base claims.

7. Claims 81-82,84-86,89,97 are allowable since the prior art does not disclose an electronic device workpiece processing apparatus having an electronic workpiece including a sensor and an electrical coupling configured to provide electrical connection of the sensor with the electrical coupling of the second surface of the intermediate member.


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Burkhart et al (Pat # 6,377,060) disclose method and apparatus for wafer detection.

Barnes et al (Pat # 5,670,066) disclose vacuum plasma processing wherein workpiece position is detected prior to chuck being activated.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH P. NGUYEN whose telephone number is (703) 305-4914. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4900.


VINH P. NGUYEN
PRIMARY EXAMINER
ART UNIT 2829

12/09/2002